

ESTTA Tracking number: **ESTTA4982**

Filing date: **01/22/2004**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Name	Isola A/S		
Opposer Entity	Corporation	Citizenship of Opposer	Norway
Opposer Address	N-3945 Eidanger, NORWAY		

Attorney information	Julie Brown Dineff Trademark Law Limited 820 W. Jackson Blvd. Chicago, IL 60607 UNITED STATES tmlaw@dineff.com Phone:3128319800
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Applicant Information

Application No	76460477	Publication date	12/23/2003
Opposition Filing Date	01/22/2004	Opposition Period Ends	01/22/2004
Applicant	Solvay Engineered Polymers		
Address	1200 Harmon Road Auburn Hills, MI 48326 UNITED STATES		

Goods/Services Affected by Opposition

Class 001 First Use: First Use In Commerce:

All goods and services in the class are opposed, namely: UNPROCESSED ARTIFICIAL RESINS AND UNPROCESSED PLASTICS IN BEAD FORM FOR USE IN FURTHER MANUFACTURING PROCESSES

Attachments Opposition PLATON.pdf (18 pages)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of application Serial No. **76/460477**
For the mark **PLATON**
Published in the "Official Gazette" of **December 23, 2003**

Isola A/S)	
Opposer,)	
)	
)	
vs.)	Opposition No.
)	
Solvay Engineered Polymers)	
Applicant,)	
)	

BOX TTAB: FEE
ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 CRYSTAL DRIVE
ARLINGTON, VA 22202-3514

Notice of Opposition

Isola A/S, (hereinafter referred to as "Opposer"), a corporation organized under the laws of Norway, having its principal place of business at N-3945 Eidanger, Norway, believes that it will be damaged by the registration of the mark PLATON, shown in Serial Number 76/460477 in Class 1, and hereby opposes same.

As grounds of opposition, it is alleged that:

1. Applicant seeks to register PLATON as a trademark for “*unprocessed artificial resins and unprocessed plastics in bead form for use in further manufacturing processes*” in International Class 1, by filing an intent-to-use application, as evidenced by the publication of said mark in the *Official Gazette* on page TM 200 of the December 23, 2003 issue.
2. Opposer and its predecessor in title, Intercontinental Chemical & Equipment, Inc., have since at least as early as September 30, 1989 used the mark PLATON in commerce as a trademark on or in connection with “*waterproofing membranes*”. Opposer is submitting herewith as part hereof and marked Exhibit A print outs from the US Patent and Trademark Office’s TESS, TARR and Assignments Databases showing the *current status and title* of the Registration No. 1,618,813.
3. Opposer has since at least as early as January 1, 1986, used the mark SYSTEM PLATON in commerce as a trademark on or in connection with “*building materials; namely, damp proofing membranes for floors and walls, mouldings, bitumin based sealants, sealing bands, and sealing strips for roofs, floors and walls; skirting boards; roofs; roof tiles, roofing felt, rain water drains and shingles*”. Opposer is submitting herewith as part hereof and marked as Exhibit B print outs from the US Patent and Trademark Office TESS and TARR Databases showing the *current status and title* of the Registration No. 1,868,308 (Opposer’s Marks PLATON and SYSTEM PLATON may be collectively referred to herein as “Opposer’s Marks”).

4. There is no issue as to priority. The filing date of the instant intent-to-use application is subsequent to the first use date of Opposer's marks PLATON and SYSTEM PLATON, and subsequent to the issuance dates of Opposer's Registrations Nos. 1,618,813 and 1,868,308.
5. Opposer's Marks are valid and subsisting and are *prima facie* evidence of Opposer's exclusive rights to use Opposer's Marks in commerce on the goods specified in said registrations.
6. Opposer has sold goods listed in the aforesaid registrations under the marks PLATON and SYSTEM PLATON in interstate commerce in the United States. Thus, Opposer has, over the years, developed exceedingly valuable goodwill in respect to Opposer's Marks.
7. By virtue of its efforts and the expenditure of considerable sums for promotional activities and advertising, and by virtue of the excellence of its products, Opposer has gained for the marks PLATON and SYSTEM PLATON a most valuable reputation.
8. The trademark proposed for registration by Applicant, namely, PLATON is identical to Opposer's mark PLATON and is substantially incorporated in its entirety in Opposer's mark SYSTEM PLATON, and is intended to be applied to similar goods as those sold by Opposer, and so nearly resembles Opposer's Marks as to be likely to be confused therewith and mistaken therefor. Applicant's mark is deceptively similar to Opposer's Marks so as to cause confusion and lead to deception as to the origin of Applicant's goods bearing Applicant's mark.

9. Opposer has extensively used the marks PLATON and SYSTEM PLATON in commerce and such usage has lead the marks to be regarded by the general public as identifying Opposer as a source of its products. Applicant's intended use of a confusingly similar mark, PLATON, on similar goods, will diminish the goodwill established in Opposer's Marks as well as cause confusion to the public.
10. If Applicant is permitted to use and register its mark for its goods, as specified in the application herein opposed, confusion in trade resulting in damage and injury to Opposer would be caused and would result by reason of the identity between Applicant's mark and Opposer's Marks. Persons familiar with Opposer's Marks are likely to buy Applicant's goods as and for a product made and sold by Opposer. Any such confusion in trade inevitably would result in the loss of sales to Opposer. Furthermore, any defect, objection or fault found with Applicant's products marketed under the PLATON mark would necessarily reflect upon and seriously injure the reputation which Opposer has established for it's products merchandised under the PLATON and SYSTEM PLATON marks.
11. If Applicant were granted the registration herein opposed it would thereby obtain at least a *prima facie* exclusive right to the use of its mark. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer prays that this opposition be sustained and that Application Number 76/460477 be refused, and for such other and further relief as the Commissioner of Patents and Trademarks shall deem proper and required by the Principles of Equity and Good Conscience.

Opposer hereby gives notice under Rule 2.122(d) of the Rules of Practice that after hearing and in any appeal on this opposition proceeding, it will rely on its Registrations Nos. 1,618,813 and 1,868,308, the validity of which is established in the exhibits to this Notice of Opposition submitted as evidence in support of this Notice of Opposition.

A duplicate copy of this Notice of Opposition and the fee required in Section 2.6(a)(17) in the amount of \$300.00 per class are enclosed herewith.

Isola A/S,

By and through its attorney



Julie Brown
DINEFF TRADEMARK LAW LIMITED
820 West Jackson Blvd.
Chicago, Illinois 60607
(312) 831-9800

Dated: January 22, 2004

EXHIBIT

“A”



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Typed Drawing

Word Mark	PLATON
Translations	THE ENGLISH TRANSLATION OF THE WORD "PLATON" IN THE MARK IS "PLATO".
Goods and Services	IC 019. US 012 035. G & S: waterproofing membranes. FIRST USE: 19880900. FIRST USE IN COMMERCE: 19890900
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74026934
Filing Date	February 8, 1990
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	July 31, 1990
Registration Number	1618813
Registration Date	October 23, 1990
Owner	(REGISTRANT) Intercontinental Chemical & Equipment, Inc. CORPORATION MINNESOTA 12221 Wood Lake Drive Burnsville MINNESOTA 55337
Assignment Recorded	(LAST LISTED OWNER) ISOLA A/S CORPORATION Assignee of NORWAY N-3945 EIDANGER NORWAY ASSIGNMENT RECORDED
Attorney of Record	Laurel V. Dineff
Type of Mark	TRADEMARK

Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20010718.
Renewal	1ST RENEWAL 20010718
Live/Dead Indicator	LIVE

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Serial Number: 74026934

Registration Number: 1618813

Mark (words only): PLATON

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2001-07-18

Filing Date: 1990-02-08

Transformed into a National Application: No

Registration Date: 1990-10-23

Register: Principal

Law Office Assigned: TMEO Law Office # 8

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -Warehouse (Newington)

Date In Location: 2001-07-20

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. ISOLA A/S

Address:

ISOLA A/S

N-3945 EIDANGER

Norway

Legal Entity Type: Corporation

State or Country of Incorporation: Norway

GOODS AND/OR SERVICES

waterproofing membranes

International Class: 019

First Use Date: 1988-09-00

First Use in Commerce Date: 1989-09-00

Basis: 1(a)

ADDITIONAL INFORMATION

Translation: THE ENGLISH TRANSLATION OF THE WORD "PLATON" IN THE MARK IS "PLATO".

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2001-07-18 - Registration renewed - 10 year

2001-07-18 - Section 8 (10-year) accepted/ Section 9 granted

2001-06-29 - Post Registration action mailed Sections 8 & 9

2000-05-26 - Combined Section 8 (10-year)/Section 9 filed

1996-08-07 - Section 8 (6-year) accepted & Section 15 acknowledged

1996-05-22 - Section 8 (6-year) and Section 15 Filed

1990-10-23 - Registered - Principal Register

1990-07-31 - Published for opposition

1990-06-30 - Notice of publication

1990-05-15 - Approved for Pub - Principal Register (Initial exam)

1990-05-14 - Examiner's amendment mailed

1990-05-07 - Case file assigned to examining attorney

CONTACT INFORMATION

Correspondent (Owner)

Laurel V. Dineff (Attorney of record)

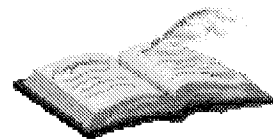
LAUREL V. DINEFF
HOFFMANN & DINEFF, LTD.
820 W JACKSON BLVD
CHICAGO IL 60607-3026
United States

Domestic Representative

HOFFMANN & DINEFF, LTD.



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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: 74026934

Filing Dt: 02/08/1990

Reg #: 1618813

Reg. Dt: 10/23/1990

Registrant: Intercontinental Chemical & Equipment, I

Mark: PLATON

Assignment: 1

Reel/Frame: 1112/0494

Received:

Recorded: 02/22/1994

Pages: 2

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: INTERCONTINENTAL CHEMICAL AND
EQUIPMENT, INC.

Exec Dt: 01/10/1994

Entity Type: CORPORATION

Citizenship: MINNESOTA

Assignee: ISOLA A/S

N-3945

EIDANGER, NORWAY

Entity Type: CORPORATION

Citizenship: NORWAY

Correspondent: DIANNA L. DALY

SUITE 1350

53 WEST JACKSON BLVD.

CHICAGO, ILLINOIS 60604

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Typed Drawing

Word Mark

SYSTEM PLATON

Goods and Services

IC 019. US 012. G & S: building materials; namely, damp proofing membranes for floors and walls, mouldings, bitumin based sealants, sealing bands, and sealing strips for roofs, floors and walls; skirting boards; roofs; roof tiles, roofing felt, rain water drains and shingles. FIRST USE: 19790301. FIRST USE IN COMMERCE: 19860101

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

74334281

Filing Date

November 24, 1992

Current Filing Basis

1A

Original Filing Basis

1A

Published for Opposition

September 27, 1994

Registration Number

1868308

Registration Date

December 20, 1994

Owner

(REGISTRANT) ISOLA A/S CORPORATION NORWAY N-3945
Eidanger NORWAY

Attorney of Record

Julie Masciopinto

Prior Registrations

1618813

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SYSTEM"
APART FROM THE MARK AS SHOWN

Type of Mark

TRADEMARK

Register

PRINCIPAL

Affidavit Text

SECT 15. SECT 8 (6-YR).

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Serial Number: 74334281

Registration Number: 1868308

Mark (words only): SYSTEM PLATON

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2000-09-21

Filing Date: 1992-11-24

Transformed into a National Application: No

Registration Date: 1994-12-20

Register: Principal

Law Office Assigned: TMEO Law Office # 07

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -Warehouse (Newington)

Date In Location: 2000-09-26

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. ISOLA A/S

Address:

ISOLA A/S

N-3945 Eidanger

Norway

Legal Entity Type: Corporation

State or Country of Incorporation: Norway

GOODS AND/OR SERVICES

building materials; namely, damp proofing membranes for floors and walls, mouldings, bitumin based sealants, sealing bands, and sealing strips for roofs, floors and walls; skirting boards; roofs; roof tiles, roofing felt, rain water drains and shingles

International Class: 019

First Use Date: 1979-03-01

First Use in Commerce Date: 1986-01-01

Basis: 1(a)

ADDITIONAL INFORMATION

Disclaimer: "SYSTEM"

Prior Registration Number(s):

1618813

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2000-09-21 - Section 8 (6-year) accepted & Section 15 acknowledged

2000-05-26 - Section 8 (6-year) and Section 15 Filed

1994-12-20 - Registered - Principal Register

1994-09-27 - Published for opposition

1994-08-26 - Notice of publication

1994-06-02 - Approved for Pub - Principal Register (Initial exam)

1994-04-18 - Communication received from applicant

1994-03-21 - Letter of suspension mailed

1994-01-12 - Communication received from applicant

1993-07-22 - Final refusal mailed

1993-06-03 - Communication received from applicant

1993-03-02 - Non-final action mailed

1993-02-18 - Case file assigned to examining attorney

CONTACT INFORMATION

Correspondent (Owner)

Julie Masciopinto (Attorney of record)

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Domestic Representative

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